

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JORDAN WHITE, :
: Plaintiff, : 20-cv-9971 (AT) (OTW)
: :
: -against- : **ORDER**
: :
UMG RECORDINGS, INC., et al., :
: Defendants. :
-----x

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed ECF Nos. 167, 168, and 170.

The Court previously ruled that Defendant Carter's deposition would be limited to 2.5 hours of testimony time. (ECF 158). In that same Order, the Court additionally ruled that if Plaintiff sought additional time to depose Carter, "such motion may only be made after the completion of Carter's deposition as ordered here, and will only be extended upon a showing of good cause with specific reference to, and attachment of, the full deposition transcript." (ECF 158 at 6). Plaintiff did not attach the full deposition transcript in his motion to compel a second deposition of Defendant Carter. On that basis alone, the motion should be denied.

Additionally, the portions of Carter's transcript submitted by Defendants contradict Plaintiff's assertions made in ECF 167. Plaintiff's motion to compel a second deposition and his request for sanctions is accordingly **DENIED**.

The Court further finds that Plaintiff's motion was not substantially justified under Rule 37(a)(5). By **February 17, 2023**, Defendants may supplement their pending motion for costs

(ECF 162) to include their expenses incurred in responding to ECF 167. Plaintiff's response is due **March 3, 2023**. There shall be no replies.

Defendants' letter motion to file certain portions of ECF 168 under seal is **GRANTED** for the reasons stated in that motion. (ECF 169).

The Clerk of Court is respectfully directed to close ECF Nos. 167 and 169.

SO ORDERED.

Dated: February 1, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge